

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

FILED

JUN 6 2019

Clerk, U S District Court
District Of Montana
Billings

CLAYTON DOUGLAS KIRN,

Petitioner,

vs.

COMMANDER BODINE;
ATTORNEY GENERAL OF THE
STATE OF MONTANA,

Respondents.

CV 19-45-BLG-SPW

ORDER ADOPTING
MAGISTRATE'S FINDINGS
AND RECOMMENDATIONS

The United States Magistrate Judge filed Findings and Recommendations on May 15, 2019. (Doc. 5). The Magistrate recommended the Court dismiss Clayton Kirn's petition for a writ of habeas corpus as unexhausted. (Doc. 5 at 6).

Pursuant to 28 U.S.C. § 636(b)(1), parties are required to file written objections within 14 days of the filing of the Magistrate's Findings and Recommendation. No objections were filed. When neither party objects, this Court reviews the Magistrate's Findings and Recommendation for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d

422, 427 (9th Cir. 2000). After reviewing the Findings and Recommendation, this Court does not find that the Magistrate committed clear error.

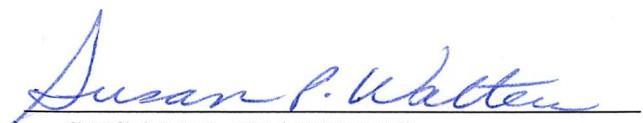
IT IS ORDERED that the proposed Findings and Recommendations entered by the United States Magistrate Judge (Doc. 5) are ADOPTED IN FULL.

IT IS FURTHER ORDERED the petition (Doc. 1) is DISMISSED as unexhausted.

The Clerk of Court is directed to enter a judgment of dismissal.

A certificate of appealability is denied.

DATED this 6th day of June, 2019.



SUSAN P. WATTERS
United States District Judge